



Confederated Tribes and Bands  
of the Yakama Nation

Established by the  
Treaty of June 9, 1855

---

February 8, 2024

Sent via email

Senator Jeff Golden  
Chair, Senate Committee on Natural Resources  
Oregon State Capitol  
900 Court St. NE, S-421  
Salem, Oregon, 97301  
Sen.JeffGolden@oregonlegislature.gov

Laura Kentnesse  
Legislative Policy and Research Office  
Oregon State Capitol  
900 Court St. NE, S-421  
Salem, Oregon, 97301  
Laura.Kentnesse@oregonlegislature.gov

RE: Yakama Nation's Comments in Opposition to Oregon Senate Bill 1509

Dear Senator Golden,

I write on behalf of the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation"). In Article III of the Treaty with the Yakamas, U.S. – Yakama Nation, June 9, 1855, 12 Stat. 951 ("Treaty of 1855"), the Yakama Nation expressly reserved the right to fish at "usual and accustomed places," which includes sites on the Columbia River, its tributaries and in its watersheds.

Yakama Nation is concerned that the proposed SB 1509—which stops the lottery for Columbia River gillnet fishing permits issued by the State of Oregon and directs the creation of a short-term buyback program for such licenses—is driven by an allocation dispute between recreational and commercial fisheries, rather than based on sound science and fishery management practices. We see this Bill as part of an ongoing effort to eventually ban gill nets. As you may be aware, gillnet fishing is important for the livelihoods of many Yakama Nation enrolled members. The commercial aspect of our fisheries, that largely utilizes gillnet fishing when appropriate, is critical to maintain our river peoples' ways of life that has relied upon a salmon economy since time immemorial. Therefore, Yakama Nation would like to expressly oppose the proposed SB 1509.

We are on record with our opposition to similar legislation in Washington and have sent numerous joint and independent letters to Governor Inslee and our representatives

Post Office Box 151, 401 Fort Road, Toppenish, WA 98948 (509) 865-5121



sponsoring such bills. In those letters, we consistently warn about the cost of such buyback programs. Costs that would be put to much better use for salmon recovery efforts along the Columbia River rather than targeting a specific type of fishing gear.

The very fact that this Bill declares a 'state of emergency' and indicates the solution warrants such a proposed ban on one specific gear type ignores the science surrounding our fisheries management. As far as the Yakama Nation is aware, none of the state agencies or tribal experts that work to properly co-manage fisheries in either the *United States v. Oregon* or the *United States v. Washington* fisheries co-management processes (Yakama Nation being party to both) have indicated that such a focused ban will address fisheries conditions or represent the most responsible expenditure of state resources to address our common goals as co-managers. We are concerned that if the state chooses to declare this emergency in contravention of the guidance offered by state and tribal fisheries co-managers, it will suggest that this legislative effort is being driven by variables other than the science and best fisheries management principles.

Fisheries management, including harvest, is supported by rigorous policy, legal, and technical reviews. The bill language throws these carefully balanced efforts into unneeded and unhelpful new directions. It would also create additional inequities in the State's treatment of gillnet fishers as compared to recreational fishers. Again, we are not comfortable with this ongoing attempt to stigmatize gillnets. The only result of this politicization is to pit fishing communities against one another rather than meeting actually conservation targets. Said another way, banning gillnets is not a conservation measure, but an attack on a specific practice that will create ripple effects along the River.

As previously stated, the Yakama Nation is a co-manager of the Puget Sound's and Columbia River Basin's fish and wildlife resources as recognized in both the *United States v. Oregon* and *United States v. Washington* precedent. We take this status seriously and are active in our approach and development of technical expertise on fisheries management. The following technical points are a response to the following bill language:

**Line 26 of SB 1509 – “(e) Recommendations on transitioning to live release selective fishing gears or other gears that may benefit wild salmon conservation”**

- This bill language presents an inaccurate depiction that wild fish declines are a harvest issue.
  - The type of gear utilized to harvest migratory fish is not responsible for fish declines.
  - Fish barriers, climate change, degraded habitat in tributaries and estuaries, and predation are all known factors contributing to decline.





- Responsible harvest management is critical, but represents a small consideration in the panoply of threats degrading our fisheries.
- The bill infers that transitioning away from gillnets will have a conservation benefit for wild fish and that “Live Release Selective Fisheries” (LRSFs) are a solution.
  - Gillnets are one of the easiest fishing techniques to monitor and limit, which facilitates efficiencies in management decisions.
  - LRSFs on the contrary contain many uncertainties in regards to fishery encounter estimations and handling mortalities.
  - There is little data regarding the true impact of LRSFs due to lack of funding and difficulties in monitoring/reporting, limited means to access, and difficulties of accessing long term impacts on released fish.
  - LRSFs are intended to place more of the escapement burden on hatchery fish which could have unintended consequences as not all hatchery programs are harvest only programs. A large percentage of the hatchery programs are designed to reintroduce or supplement struggling wild populations. Many release ESA listed species to support natural spawning.
  - Wild salmon are often marked for research purposes. If only marked fish are caught and retained by LRSF gears, then wild salmon will also be harvested. The fishery is mark selective, the gear types are not.
  - In short, LRSFs are not a fish protection measure.
- US v OR Management Agreement
  - Harvest is already heavily monitored and regulated to ensure proper escapement and to balance harvest amongst numerous fisheries and gear types.
  - LRSFs in the lower Columbia River and the targeting of specific hatchery stocks can skew the proportion of hatchery vs wild fish migrating up the Columbia thus placing more of the burden on tribes and upriver fisheries to limit impacts to wild stocks.
- Unintentional pitting of gillnet versus sport fisheries against each other
  - Unlikely that actions proposed would do anything to protect fish.
  - May have real consequences and challenge treaty reserved rights if advocacy does not stop.
  - Gillnetting is a traditional means of fishing.

While we recognize the sovereign interest in the State of Oregon in managing its portion of the fishery harvest, we oppose this type of legislated policy action where the agency's collaborative processes and expertise are dispensed for political



Confederated Tribes and Bands  
of the Yakama Nation

Established by the  
Treaty of June 9, 1855

---

considerations. This is a poorly thought-out solution to a problem that is much greater than the type of fishing gear used on the Columbia River.

Respectfully,

*for* George Mankos 2-8-2024  
GERALD LEWIS, CHAIRMAN  
YAKAMA NATION TRIBAL COUNCIL